

REMARKS

The present Amendment cancels claims 1-10 and adds new claims 11-15. Therefore, the present application has pending claims 11-15.

Filed on even date herewith is a Proposed Drawing Correction/Replacement Sheet to correct a minor typographical error in Fig. 1. Specifically, the term "POCKET MONITOR" was changed to "PACKET MONITOR". Approval of the same is respectfully requested.

Claims 1-3, 7 and 8 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as their invention. As indicated above, claims 1-3, 7 and 8 were canceled. Therefore, this rejection is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-3, 7 and 8 stand rejected under 35 USC §102(e) as being anticipated by Balsamo (U.S. Patent Application Publication No. 2002/0099806 A1). As indicated above, claims 1-3, 7 and 8 were canceled. Therefore, this rejection is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the cancellation of claims 1-10 was not intended nor should it be considered as an agreement on Applicants part that claims 1-3, 7 and 8 contain indefinite subject matter or that the features recited in claims 1-10 are taught or suggested by Balsamo or any of the other references of record whether taken individually or in combination with each other. The cancellation of claims 1-10 was simply intended to expedite

prosecution of the present application. Applicants hereby reserve their right to pursue the invention as set forth in claims 1-10 in a continuing application.

New claims 11-15 more clearly recite features of the present invention not taught or suggested by any of the references of record whether said references are taken individually or in combination with each other.

Particularly, new claims 11-15 are directed to a network monitoring method for verifying whether an agent for monitoring a first computer is operated in each first computer in an information system in which a plurality of the first computers connected to a network are operated.

The method according to the present invention being operated in a second computer connected to the network includes a first step of detecting a communication through the network between a third computer which is one of the first computers and a fourth computer which is another one of the first computers, a second step of, when the communication is detected, communicating with the third computer to determine whether the agent is operated on the third computer and a third step of, when it is determined that the agent is not operated on the third computer as a result of the determination, recording information specifying the third computer in a storage device.

According to the present invention, for the purpose of internal control, it is necessary to execute the monitoring program called an agent in the PCs of the employees of a company to monitor whether inappropriate, illegal or unauthorized activities are taking place. However, if the administrator cannot confirm that the agent is operating in all the PCs, then there is a possibility that the internal control becomes insufficient to monitor the prohibited

activities, and it becomes difficult for the company to validate the sufficiency of the internal control to individuals or organizations outside of the company.

The present invention is directed to solving the above described problem by confirming whether the agent is executed in all the PCs in the company by monitoring the network in the manner described below.

- (1) A network monitoring server is provided and connected to an in-company LAN and network packets flowing in the in-company LAN are collected;
- (2) The network monitoring server extracts addresses of a transmission source and a transmission destination from each of the collected network packets;
- (3) The network monitoring server transmits an inquiry message to both the addresses extracted in the step (2) and waits for a response; and
- (4) If there is no response to the inquiry message, the network monitoring server determines that the PC associated with the address is not being monitored by the agent and notifies this fact to the administrator.

Actually, the network monitoring server makes a database of the inspected addresses and executes step (3) only when the address contained in the database is extracted in the step (2), thereby improving the efficiency of the process.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the present invention as

now more clearly recited in the claims are not taught or suggested by Balsamo.

Balsamo teaches that when duplicates of a packet occurs between a terminal and a base station in a wireless network, the billing for the duplicate packets should be removed. Therefore, in Balsamo, all the packets flowing in the wireless network are monitored and recorded, and when it is determined that the packets are duplicate packets the user will not be charged a fee.

As is clear from the above, Balsamo does, similar to the present invention, teach that packets flowing in a network are monitored. However, different from the present invention, Balsamo does not include the step of communicating with the transmission source and the transmission destination of the collected packets to confirm whether the agent is being operated as in the present invention.

Thus, as is clear from the above, Balsamo fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Therefore, Balsamo whether taken individually or in combination with any of the other references of record does not anticipate nor render obvious the claimed invention.

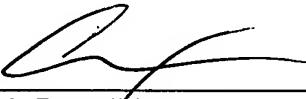
The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-3, 7 and 8.

In view of the foregoing amendments and remarks, Applicants submit that claims 11-15 are in condition for allowance. Accordingly, early allowance of the present application based on claims 11-15 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (843.42990X00).

Respectfully submitted,

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